IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 24714 of 2005

Between:

The Secunderabad Club,

Rep. by its Secretary,

Brigadier Ramananda Rao,
Picket, Secunderabad,

..... PETITIONER

AND

1. The Defence Estates Officer,

Andhra Pradesh Circle,

Secunderabad Court Complex,
Secunderabad,

2. The Estates Officer,

Andhra Pradesh Circle,

Secunderabad Court Complex,
Secunderabad,

...RESPONDENTS

* * * *

ORDER:

When the vacate petition came up for consideration, with the consent of both the counsel, the writ petition itself is taken up for hearing and is being disposed of by this order.

2. The petitioner has filed the writ petition questioning the show cause notice dated 23.09.2005 issued under sub-Section (1) of Section 5-B of the Public Premises (Eviction of unauthorized occupation) Act, 1971. The petitioner submitted explanation to the show cause notice. Apprehending demolition of the erections pending passing of final orders, the petitioner approached this court by invoking the jurisdiction under Article 226 of the Constitution of India.

3. Counter affidavit has been filed by the respondents. Details of counter are not required to be dilated in view of the order proposed to be passed.

4. Heard the counsel for parties.

5. Undisputedly a show cause notice came to be issued on petitioner under sub-Section (1) of Section 5-B of the Public Premises (Eviction of unauthorized occupation) Act, 1971. The relevant portion of the show cause notice reads as follows:

> " In the General Land Register of Secunderabad Cantonment held by the Defence Estates Officer, A.P. Circle, Secunderabad, land comprising GLR Sy.No.477 (Bungalow No.220), admeasuring 20.18 acres is classified as B (3) and placed under the management of the Defence Estates Officer. The landlord is the Central Government and the occupancy rights vest with Committee of Secunderabad Club and the nature of the holders' rights is "Old Grant".
>
> The Defence Estates Officer, A.P., Circle, Secunderabad has reported that you have unauthorisedly carried out erection/re-erection on the above Old Grant site without having obtained the permission of the Government of India. Under the terms of Old Grant such erection/re-erection constitute unauthorized construction under Section 184 of the Cantonment Act.
>
> Now, therefore, in pursuance of proviso to sub-section (1) of Section 5-B of the said Act, I hereby call upon you to show cause on or before the 05th October 2005 at 1500 hrs, why an order for demolition of such

erection or work may not be made."

It is a matter of record that the petitioner submitted the explanation to the show cause notice in which case the petitioner has to receive the final order and choose the forum to challenge the same in accordance with law. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents to pass appropriate orders, in pursuance of the show cause notice issued in Form-AB by the respondents, taking into consideration the explanation submitted by the petitioner within four weeks. Till passing of final orders in pursuance of the show cause notice, there shall be order of *Status Quo* with regard to nature and possession of the premises in dispute.

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B.SESHASAYANA REDDY, J.

Date: 06th January 2006.

Note:

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Issue CC by one week.

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BSB